

Appl. No. : 10/631,117
Filed : July 31, 2003

COMMENTS

Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the above amendments and the following remarks.

Allowed Claims

Applicant notes with appreciation that the Examiner has allowed Claims 5-7, 12 and 15-18.

Matters of Form

Claim 19 has been amended to correct the informality noted by the Examiner.

Claim Rejections

Claims 1-4, 8-11, 13-14 and 19 are rejected under 35 U.S.C. 102(e) as anticipated by Fukuda et al. (USPN 6,582,262).

With respect to Claim 1, Applicant has amended this claim to recite, in part, an internal combustion engine comprising “a control valve unit configured to control the change mechanism, the control valve unit comprising an actuator and a valve member, the valve member at least in part being disposed within the outer area and above a cylinder head member, which forms at least a portion of the combustion chamber.” The cited art does not disclose an internal combustion engine with at least the above-noted limitation. With respect to Fukuda et al., this reference disclosed a valve timing adjusting mechanism 84, which is entirely positioned on the lower side of a ceiling surface of the head cover 24 or on the side of the cylinder head 23. See Col. 10, lines 60-63.

None of the cited references, therefore, disclosed an internal combustion engine wherein, *inter alia*, the valve member of the control valve unit is at least in part disposed within the outer area of the engine body and above a cylinder head member, which forms at least a portion of the combustion chamber. For at least this reason, Applicant submits that Claim 1 is in condition for allowance. Claims 2-4, 8-11, and 13-14 are in condition for allowance because, *inter alia*, they depend upon either directly or indirectly upon allowable Claim 1.

With respect to Claim 19, this claim now recites, in part, an internal combustion engine for an outboard motor comprising an “internal combustion engine comprising an engine body comprising a cylinder head member that forms a portion of a combustion chamber, the cylinder head member having an outer surface, a generally vertically extending output shaft extending through the engine body” and “a control valve unit

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configured to control the change mechanism, the control valve unit comprising an actuator and a valve member, the valve member being disposed along and above the outer surface.” As noted above, Fukuda et al., this reference disclosed a valve timing adjusting mechanism 84, which is entirely positioned on the lower side of a ceiling surface of the head cover 24 or on the side of the cylinder head. For at least this reason, Claim 19 is also in condition for allowance.

Request for Continued Examination

This Amendment is being filed with a Request for Continued Examination and a Supplemental Information Disclosure Statement.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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